



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, TUESDAY, JANUARY 18, 2022

No. 11

Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, at a time when people expect much from their leaders, give our lawmakers the wisdom to do the work of legislation, administration, and justice for the common good. When criticism comes from those who expect miracles and look for weakness, give to the Members of the Senate the grace of patience and love.

Lord, brace them in Your strength against the debilitating effects of frustration and futility as you infuse them with confidence in Your providential power. Bless them with love, faith, and perseverance.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

LEGISLATIVE SESSION

NASA ENHANCED USE LEASING EXTENSION ACT OF 2021

Mr. SCHUMER. Mr. President—of the Senate pro tempore, as well—Mr. President, it is my understanding the Senate has received a message from the

House of Representatives to accompany H.R. 5746.

The PRESIDENT pro tempore. The Senator is correct.

Mr. SCHUMER. I ask that the Chair lay before the Senate the House message to accompany H.R. 5746.

The PRESIDENT pro tempore. The question is on agreeing to the motion to lay before the Senate the message from the House.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives.

The senior assistant legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5746) entitled “An Act to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.”, with an amendment.

MOTION TO CONCUR

Mr. SCHUMER. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 5746.

MOTION TO CONCUR WITH AMENDMENT NO. 4903

Mr. SCHUMER. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 5746 with an amendment.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to concur in the House amendment to the Senate amendment with an amendment numbered 4903.

Mr. SCHUMER. I ask that further reading of the amendment be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. ____ EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the motion to concur with an amendment.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4904 TO AMENDMENT NO. 4903

Mr. SCHUMER. Mr. President, I have an amendment to the amendment, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4904 to amendment No. 4903.

Mr. SCHUMER. I ask that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike “1 day” and insert “2 days”.

MOTION TO REFER AMENDMENT NO. 4905

Mr. SCHUMER. Mr. President, I move to refer the House message to accompany H.R. 5746 to the Committee on Rules, with instructions to report back forthwith with an amendment.

The PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] refers the House message to accompany H.R. 5746 to the Committee on Rules with instructions to report back forthwith with an amendment numbered 4905.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S229

(Purpose: To add an effective date)

At the end add the following:

SEC. ____ EFFECTIVE DATE.

This Act shall take effect on the date that is 4 days after the date of enactment of this Act.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4906

Mr. SCHUMER. I have an amendment to the instructions, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4906 to the instructions with the motion to concur.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "4" and insert "5".

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4907 TO AMENDMENT NO. 4906

Mr. SCHUMER. I have an amendment to the amendment, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 4907 to amendment No. 4906.

Mr. SCHUMER. I ask that further reading be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 1, strike "5" and insert "6".

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the motion to concur to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the cloture motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 5746, a bill to amend title 51, United States Code, to extend the authority of the National Aeronautics and Space Administration to enter into leases of non-excess property of the Administration.

Charles E. Schumer, Jacky Rosen, Cory A. Booker, Richard J. Durbin, Jack Reed, Amy Klobuchar, Jeff Merkley, Tammy Duckworth, Robert Menendez, Chris Van Hollen, Richard Blumenthal, Sheldon Whitehouse, Patty Murray, Benjamin L. Cardin, Elizabeth Warren, Christopher Murphy, Ben Ray Lujan.

The PRESIDENT pro tempore. The Senator from New York.

CONGREGATION BETH ISRAEL SHOOTING

Mr. SCHUMER. Mr. President, before I begin the substance of my remarks, I want to offer a few words in reaction to the terrible hostage situation this weekend in Texas.

Saturday's hostage crisis at Congregation Beth Israel was a horrifying reminder that the ancient poison of anti-Semitism continues to this day. I am relieved that all of the hostages made it out alive, and I commend the quick thinking of the first responders and of Rabbi Charlie Citron-Walker, who acted valiantly, and all those present for bringing this crisis to an end.

Moving forward, we must get to the bottom of what inspired the terrorist attack on Saturday but increase our vigilance against all forms of anti-Semitism and racially motivated violence.

Here in Congress, we must continue working to increase our investment in nonprofit security grants to groups that are targets of hate. We need to give our communities the tools they need to protect themselves so they can live without fear of being targeted for just who they are.

On this day, I stand in solidarity with the congregation of Beth Israel, the Jewish community of Greater Dallas-Ft. Worth, and with all Jewish Americans for whom Saturday's attack was a traumatic reminder of the hate we have yet to overcome.

VOTING RIGHTS

Mr. President, this is on defending democracy. The eyes of the Nation will be watching what happens this week in the U.S. Senate.

Just a few days removed from what would have been Dr. Martin Luther King, Jr.'s 93rd birthday, the Senate has begun debate on the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act—for the first time, the first time in this Congress.

Democrats have tried for months to hold a voting rights debate on the floor, but we have been blocked each time by Republicans. We brought commonsense proposals four times on the floor of the Senate and only once did one Senator—LISA MURKOWSKI, to her credit—agree to even begin debate on voting rights. On all three other votes, not a single Republican joined us. Every one of them voted to block even a debate on voting rights.

So, today, we are taking this step by using a message from the House. Now, it is just a step, but an important step moving forward, in that we will finally debate this one issue that is so central to the American people, to our history, and to our democracy.

As we debate these measures, the Senate will confront a critical question: Shall the Members of this Chamber do what is necessary to pass these bills and bring them closer to the President's desk?

Today, we have just taken the first steps that will put everyone—everyone—on the record. Much has been said over the past few days about the prospects of passing voting rights legislation in this Chamber. Senate Democrats are under no illusion that we face difficult odds, especially when virtually every Senate Republican—every Senate Republican—is staunchly against legislation protecting the right to vote.

But I want to be clear. When this Chamber confronts a question this important—one so vital to our country, so vital to our ideals, so vital to the future of our democracy—you don't slide it off the table and say, "Never mind." Win, lose, or draw, Members of this Chamber were elected to debate and to vote, especially on an issue as vital to the beating heart of our democracy as voting rights. The public is entitled to know where each Senator stands on an issue as sacrosanct as defending our democracy. The American people deserve to see their Senators go on record on whether they will support these bills or oppose them. Indeed, that may be the only way to make progress on this issue now, for the public to see where each of us in this Chamber stands. The public deserves to see it, and that is exactly, precisely, what the Senate is going to do this week.

Make no mistake about it. Using Dr. King as an inspiration, Democrats will continue to fight on this issue until we succeed, and I believe history will vindicate us.

Mr. President, the fight over voting rights is as old as the Republic itself. Recently—well, let me say, when the Republic was founded, in many States you had to be a White male Protestant property owner to vote. As is obvious by who is in this Chamber, we have made progress—inexorable progress—in expanding that franchise.

History does not regard those restrictions that occurred early on as worthy, but we must continue the fight. We have not reached the place where every person can vote easily and openly and honestly. So we have to keep it up.

I have been reading the biography of Ulysses S. Grant by Ron Chernow. The No. 1 thing the southern segregationists wanted to take away from the newly freed slaves was the right to vote. Segregationists back then knew that if recently freed Black slaves didn't have the right to vote in the South, they would have no power at all: no power over laws, over resources, over the future of the country. And that was the No. 1 thing segregationists wanted to prevent: the right of the newly freed slaves to vote.

It is why, a century later, Dr. King made a direct appeal to Congress for acting on voting rights: "Give us the

ballot," he said in 1957, "and we will no longer have to worry the federal government about our basic rights." "Give us the ballot" and all other rights will follow. With the ballot, he argued, voters could end the worst of racial segregation. They could elect good men and good women to government. They could subdue the dangers of the mob and keep democracy alive. But the ballot had to come first. The ballot had to come first.

Dr. King might as well have been speaking to us, because across the United States, in 2022, ballot access is not being expanded; it is being repressed. And our democracy is not safe; it is under attack.

A year ago, a violent mob incited by the President and his Big Lie attacked this very building in order to reverse the results of a free and fair election. Last week, for the first time, the Department of Justice announced sedition charges against a number of the rioters who were here that day.

A year later, at least 19 States have passed 33 laws that make it harder for people to vote, using the Big Lie—the Big Lie, as false as it is—as a justification. Those States together are home to 55 million Americans, and new laws are certainly coming once the State legislatures return to session this year. And the kind of violence—the threats of violence—we saw on January 6 by that insurrectionist mob is now being threatened increasingly against countless election workers across the country.

Just this weekend, the Houston Chronicle reported that "County officials in urban areas across the State [of Texas] say they've been forced to reject an unprecedented number of mail ballot applications [thanks to the new Republican voter suppression law.]

And this past Saturday, Donald Trump once again repeated the same conspiracy theories about the 2020 election that have paved the way for voter suppression at the State level.

So, unfortunately, the dangers that face our democracy are alive and well, and the laws that suppress the vote at the State level are being enacted on a partisan basis.

We have seen periods of regression, in terms of voting rights and equality and fairness to people of color. We have seen regression occur. And this seems to be a period of regression in what the legislatures are doing, and fight it we must.

So the Senate must act. We must step in and act. We must do everything to pass voting rights legislation, just as this Chamber has done in the past, just as the Constitution permits us to do. That is why we will vote this week on the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. And if Republicans choose to continue their filibuster of voting rights legislation, we must consider and vote on the rule changes that are appropriate and necessary to restore the Senate and make voting legislation possible.

As I have recounted already, these laws are urgently needed. We must not—we cannot—allow another period of that regression, which we have seen throughout American history.

Here is what some of the laws would do—our two laws would do:

They would set basic commonsense standards for all Americans for access to the ballot as well as restore preclearance provisions that were passed by this Chamber for decades on a bipartisan basis. They would establish clear and consistent standards for early voting across the country and make it easier for voters to access absentee ballots. They would protect election workers from unlawful intimidation. We are seeing so much of that now. It is disgraceful—disgraceful. They would end the toxic practice of partisan gerrymandering, and they would take new steps to fight the power of dark money corroding our elections. Senate Democrats repeatedly tried, over the last year, to bring Republicans to the table to debate these issues.

I will remind my colleagues that this is not the old Republican Party. I would remind the American people how dramatically the Republican Party has regressed. The Republican Party used to be one that supported voting rights. Presidents Reagan, George H. W. Bush, and George W. Bush worked to renew voting rights bills.

No, sadly, unfortunately, this is Donald Trump's Republican Party. And it is the one now trying to take away the vote from younger Black and Brown, elderly, minority, and low-income voters.

And yet every time we try to engage our Senate Republican colleagues, they resist it. So we have no choice. We are moving ahead on our own.

Once again, no one denies the path ahead is an uphill struggle. Republicans have been clear, they will entertain no bipartisan compromise on voting rights, but long odds are no excuse for this Chamber to avoid this important issue.

Again, Members of this Chamber were elected to debate and to vote. We are going to vote. We are all going to go on the record. And Republicans will have to choose which side they stand on—protecting democracy or offering their implicit endorsement of Donald Trump's Big Lie.

For months, Senate Republicans have come up with excuses and subterfuges to avoid doing what they know is the right thing, just like so many others have come up with similar lame excuses and subterfuges in the past. But as history shows, doing the right thing will eventually prevail. Justice will flow like mighty waters, as the Prophet Amos has said.

The direction of voting rights in America is enough to have shaken the faith of even the most optimistic champion of America—of democracy. Sometimes it seems like for each step forward, the country takes two steps

back, but fights like this are not unusual in American history.

The story of our country has been a long, arduous march toward expanding the promise of freedom for all Americans. We find ourselves in such a struggle today.

Dr. King had simple, powerful advice for his followers during moments like this: Keep moving. Keep fighting. The road to justice is often painful and full of setback, but we must keep moving. We must keep moving, he said, against every obstacle and prodigious hilltop and mountain of opposition. Let nothing slow you down. And even after you cross the Red Sea only to find yourself in the desert, just keep moving forward through the wilderness. "And if you will do that with dignity," he said, "when the history books are written in the future, the historians will have to look back and say, 'There lived a great people.'"

We will keep fighting in the same spirit to protect our democracy in this day and age. And if we do that, I have faith that one day the history books will likewise look back at this generation of Americans and conclude, "There lived a great people," too.

I yield the floor.

The PRESIDING OFFICER (Mr. LUJÁN). The Senator from Vermont.

CONGREGATION BETH ISRAEL SHOOTING

Mr. LEAHY. Mr. President, I applaud the remarks of our distinguished majority leader, and I know it comes from the heart because what he is saying publicly, he has also always said both publicly and privately. And I also join with him in the condemnation of the attack on the synagogue this weekend.

I know, in my State of Vermont, the faith community—the Jewish, Protestant, Catholic—all came together with prayers for the safety of the people in the synagogue. But more than just the safety of what happened then, let us pray, all of us, whatever faith we have, that such attacks do not continue in our country.

We have seen too many attacks against people based on their religion or based on their race or based on their country of origin. That is wrong.

In this country, in this country, especially—I was thinking of this when I led the Senate this morning in the Pledge of Allegiance, and I thought, "[O]ne nation under God, indivisible, with liberty and justice for all." Well, it is a constant battle to make sure that we have liberty and justice for all, and we have to do that.

H.R. 5746

And that leads us to where we are today. We have got to stand up and say people can vote. I remember being here and present when the Voting Rights Act was signed by President Reagan, President George H. W. Bush, and President George Bush. I remember the pleasure on their face, the look of everybody around them, Republicans and Democrats, applauding the President for signing that legislation.